

Federal Advisory Committee Act to avoid lengthy procedural delays. However the commission's hearings are open to the public, and a public record is required to be kept of those hearings. In addition, the commission must keep a record of its deliberations.

The commission is tasked with recommending changes in law to expeditiously resolve outstanding right of way claims under R.S. 2477. Those recommendations are to be made in consultation with the governors of affected States. It is my hope that working together this commission can reach consensus on this difficult issue.

This commission must make its recommendations by March 1, 1998, and must include with their submission any comments they receive from governors. The Secretary of the Interior must approve or disapprove the recommendations in their entirety by March 31, 1998. If the Secretary approves the commission's recommendations, then a fast track procedure is provided in Congress to ensure those recommendations are considered. If the Secretary does not approve the commission's recommendations, then the fast track procedure is not available. Under the fast track procedure only relevant amendments are allowed in the Senate during floor consideration of the bill, and any message from the House on such a bill.

The conference agreement leaves intact the permanent prohibition on the issuance of final rules or regulations on R.S. 2477 without express authorization of such rules or regulations by a subsequent act of Congress, and specifically states in section 6005(b)(5)(A) that this provision does not constitute such express authorization. Section 6005 does not repeal or modify any existing law, and takes no position regarding the legitimacy of the R.S. 2477 policy announced by the Secretary of the Interior on January 22, 1997.

Mr. LAUTENBERG. Mr. President, as we finish our work on the conference report. I want to express my appreciation to Jodi Grant, who has provided invaluable assistance to me and my staff. Jodi served as counsel to the Democratic staff before leaving us recently to work on the leadership staff of the distinguished Senator from Massachusetts, Senator KERRY. However, she has taken time from her busy schedule to give us the benefit of her special expertise on budget matters. I very much appreciate her assistance, and thank her for her willingness to help.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR 1997—CONFERENCE REPORT

The PRESIDING OFFICER. The hour of 6 o'clock has arrived. The question is on agreeing to the conference report on the supplemental appropriations bill, H.R. 1469.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

I further announce that if present and voting the Senator from Vermont [Mr. JEFFORDS] would vote "yea."

Mr. FORD. I announce that the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 95 Leg.]

#### YEAS—67

Abraham	Domenici	Moynihan
Allard	Dorgan	Murkowski
Ashcroft	Enzi	Murray
Baucus	Feinstein	Reed
Bennett	Frist	Reid
Bond	Glenn	Robb
Boxer	Gorton	Roberts
Breaux	Grams	Rockefeller
Brownback	Grassley	Roth
Bryan	Hatch	Shelby
Bumpers	Hutchinson	Smith (OR)
Burns	Hutchison	Snowe
Campbell	Inhofe	Specter
Chafee	Johnson	Stevens
Coats	Kempthorne	Thomas
Cochran	Kerrey	Thompson
Collins	Kerry	Thurmond
Conrad	Landrieu	Torricelli
Coverdell	Lott	Warner
Craig	Lugar	Wellstone
D'Amato	Mack	Wyden
Daschle	McCain	
DeWine	McConnell	

#### NAYS—31

Akaka	Gramm	Leahy
Biden	Gregg	Levin
Bingaman	Hagel	Mikulski
Byrd	Harkin	Moseley-Braun
Cleland	Helms	Nickles
Dodd	Hollings	Santorum
Durbin	Inouye	Sarbanes
Faircloth	Kennedy	Sessions
Feingold	Kohl	Smith (NH)
Ford	Kyl	
Graham	Lautenberg	

#### NOT VOTING—2

Jeffords	Lieberman
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The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998—CONFERENCE REPORT

The Senate continued with the consideration of the concurrent resolution.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are going to vote on the budget resolution in just a moment.

I want to announce that the House passed the Senate budget resolution 333 to 99. We passed it 78 to 22.

I believe the reason we have not gotten a balanced budget in the past is we have not had a President and a Congress in accord. And I think we are going to get a balanced budget.

In recent years, however, the obstacles to the Federal budget have been primarily a question of finding a working consensus between the Executive and the Congress. Today we have a consensus on this issue. Of course, each of us along might have designed the plan differently, but then we might have had a consensus. Yes I personally think we should have done more in entitlement spending programs that still threaten the foundation of this house we build today, but for today we must do what we can to. And I ask you to vote as you did on May 23 and adopt this conference agreement.

Mr. LAUTENBERG. We yield all the time we had.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. STEVENS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

I further announce that, if present and voting, the Senator from Vermont [Mr. JEFFORDS] would vote "yea."

Mr. FORD. I announce that the Senator from Connecticut [Mr. LIEBERMAN] is necessarily absent.

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 96 Leg.]

#### YEAS—76

Abraham	Dorgan	Lugar
Akaka	Durbin	Mack
Baucus	Feingold	McCain
Bennett	Feinstein	McConnell
Biden	Ford	Mikulski
Bingaman	Frist	Moseley-Braun
Bond	Glenn	Murkowski
Boxer	Gorton	Murray
Breaux	Graham	Nickles
Brownback	Grassley	Reid
Bryan	Gregg	Robb
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sessions
Cochran	Inouye	Shelby
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kerrey	Stevens
Craig	Kohl	Thurmond
D'Amato	Landrieu	Torricelli
Daschle	Lautenberg	Warner
DeWine	Leahy	Wyden
Dodd	Levin	
Domenici	Lott	

#### NAYS—22

Allard	Helms	Sarbanes
Ashcroft	Hollings	Smith (NH)
Bumpers	Inhofe	Specter
Coats	Kennedy	Thomas
Enzi	Kerry	Thompson
Faircloth	Kyl	Wellstone
Gramm	Moynihan	
Grams	Reed	

#### NOT VOTING—2

Jeffords	Lieberman
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The conference report was agreed to. Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will shortly adjourn over until Monday at noon, 12 o'clock. I announce to all Senators that no votes will occur on Monday prior to the hour of 5 p.m. I expect a lengthy period of morning business on Monday to accommodate a number of requests, and I will update the Democratic leader at a later time with respect to potential legislation the Senate may consider on Monday. We have already had one conversation about that, and we will have some more here in a few minutes.

Before I consider two housekeeping items, I would like to thank all Senators for their cooperation this week. The Senate has now passed a budget resolution outlining a long overdue balanced budget for our Nation, and I congratulate all those Senators who have participated in the negotiations. Again, I thank Senator DOMENICI, the chairman of Budget Committee, and Senator LAUTENBERG, who also has worked with us getting through some problems we ran into. They both did an excellent job. The Senate also adopted the supplemental appropriations conference report. Consequently, I think this has been a good week, and I hope we can continue that next week.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT CONCERNING THE NATIONAL EMERGENCY TO THE THREAT POSED BY WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month report on the national emergency declared by Executive Order 12938 of November 14, 1994, in response to the threat posed by the proliferation of nuclear, biological, and chemical

weapons ("weapons of mass destruction") and of the means of delivering such weapons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 5, 1997.

#### MESSAGES FROM THE HOUSE

At 3:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

At 7:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2058. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the Selected Acquisition Reports for the period October 1 through December 31, 1996; to the Committee on Armed Services.

EC-2059. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "State Program" (CO-034-FOR) received on May 23, 1997; to the Committee on Energy and Natural Resources.

EC-2060. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "The Railroad Retirement Financial Improvement Act of 1997"; to the Committee on Labor and Human Resources.

EC-2061. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "The Railroad Retirement and Railroad Unemployment Insurance Amendments Act of 1997"; to the Committee on Labor and Human Resources.

EC-2062. A communication from the Board Members of the U.S. Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "The Railroad Retirement and Railroad Unemployment Insurance Penalty Amendments Act of 1997"; to the Committee on Labor and Human Resources.

EC-2063. A communication from the Assistant Secretary of Labor for Employment Standards, transmitting, pursuant to law, a rule entitled "Nondisplacement of Qualified Workers Under Certain Contracts" (RIN1215-

AA95) received on May 22, 1997; to the Committee on Labor and Human Resources.

EC-2064. A communication from the Chairperson of the U.S. National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Labor and Human Resources.

EC-2065. A communication from the Secretary of Health and Human Services, transmitting, drafts of legislative proposals relative to public health for fiscal year 1998; to the Committee on Labor and Human Resources.

EC-2066. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, two rules including a rule entitled "Food Labeling"; to the Committee on Labor and Human Resources.

EC-2067. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, two rules entitled "The William D. Ford Federal Direct Loan Program" (RIN1840-AC42) received on June 2, 1997; to the Committee on Labor and Human Resources.

EC-2068. A communication from the Congressional Review Coordinator of the Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Gypsy Moth Generally Infested Areas" received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2069. A communication from the Acting Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "1997 Marketing Quota" received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2070. A communication from the Chief of the Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "The Environmental Quality Incentives Program" (RIN0578-AA19) received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2071. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled "U.S. Standards for Grades of Apple"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2072. A communication from the Administrator of the Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled "Exemptions of RUS Operational Controls" received on June 2, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2073. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-2074. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Argentina; to the Committee on Banking, Housing, and Urban Affairs.

EC-2075. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of two rules including a rule entitled "Community Support Requirements,"